

I hereby certify that this correspondence is being electronically filed in the United States Patent and Trademark Office on the date shown below:

REQUEST FOR CERTIFICATE OF
CORRECTION UNDER 37 CFR 1.322
Docket No. SPO.121

October 29, 2009

David R. Saliwanchik

David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/535,585
Conf. No. : 7558
Applicants : Hisao Kume, Makoto Yamaguchi, Kenji Mizumoto, Hajime Sasaki
Issued : July 21, 2009
Patent No. : 7,563,458
For : Nutritional Compositions for Nutritional Management of Patients with Liver Disease (as amended)

ATTN: CERTIFICATES OF CORRECTION BRANCH
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR VACATING CERTIFICATE OF CORRECTION
UNDER 37 CFR 1.322

Sir:

The applicants respectfully request that the Certificate of Correction that issued on September 29, 2009 for the above-referenced patent be vacated.

The applicants filed an Amendment on March 19, 2007 (copy attached) to correct typographical errors on page 5, lines 9 and 26 to correct the spelling of licheniformis. In the Office Action dated June 5, 2007, the examiner states that the submission of the Request for Continued Examination (which included reference to the Amendment filed on March 19, 2007) would be made of record (copy attached). The subject patent issued in accordance with those amendments.

The applicants filed a Request for Certificate of Correction dated August 25, 2009 (copy attached). The request for correction of errors at column 3, line 41 and column 4, line 4 of the issued patent should have been denied because the patent issued in accordance with the record.

The applicants respectfully request that the Certificate of Correction dated September 29, 2009 be vacated.

Respectfully submitted,



David R. Saliwanchik
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Gainesville, FL 32614-2950

DRS/la

Attachments: as stated above

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,563,458 B2
APPLICATION NO. : 10/535585
DATED : January 28, 2004
INVENTOR(S) : Hisae Kume et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 3,

Line 41 "licheniformis" should read --licheniformus--.

Column 4,

Line 4 "licheniformis" should read --licheniformus--.

Column 18,

Line 52 "IFN-7" should read --IFN-γ--.

Printed in
accordance with
Patent Office
records.
Please see
Amendment
dated 3-17-2007



Signed and Sealed this

Twenty-ninth Day of September, 2009

David J. Kappos

David J. Kappos
Director of the United States Patent and Trademark Office



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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COPY

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,585	08/10/2005	Hisee Kume	SPO-121	7558

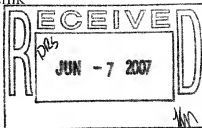
23557 7590 06/05/2007

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EXAMINER

SINGH, SATYENDRA K

ART UNIT	PAPER NUMBER
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1657

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 17th 2007 has been entered.

Claims 1-24 are examined on their merits, herein, for the applicant's elected specie for milk protein hydrolysate "**whey protein isolate (WPI)**".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 9 and 17 (independent claims, as currently amended) recite the limitation wherein "**the** protein content" is 2.9 to 9 g per 100 ml of the composition, which is ambiguous. It is not clear as to which protein is referred to by such recitation, the protein from "milk protein hydrolysate", the "protein derived from fermented milk", or the total protein content (i.e. the sum of all protein sources in said composition). Appropriate explanation/correction is required.

COPY

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

AMENDMENT UNDER 37 CFR 1.116
Examining Group 1651
Patent Application
Docket No. SPO-121
Serial No. 10/535,585

March 19, 2007
David Saliwanchik
David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Satyendra K. Singh
Art Unit : 1651
Applicant : Hisae Kume *et al.*
Serial No. : 10/535,585
Conf. No. : 7558
Filed : May 18, 2005
For : Nutritional Compositions

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

AMENDMENT UNDER 37 CFR 1.116

Sir:

In response to the Office Action dated December 18, 2006, please amend the above-referenced patent application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments follow the amendment sections of this paper.

In the Specification

Please amend the specification at page 5, lines 5-8 as follows:

(6) the nutritional composition according to (1), wherein said milk protein hydrolysate may be obtained by hydrolyzing a whey protein isolate (WPI) with alkalase from *Bacillus licheniformis*~~us~~licheniformis, and trypsin from a porcine pancreas;

Please amend the specification at page 5, lines 31-34 as follows:

(14) the nutritional composition according to (9), wherein said milk protein hydrolysate may be obtained by hydrolyzing a whey protein isolate (WPI) with alkalase derived from *Bacillus licheniformis*~~us~~licheniformis, and trypsin from a porcine pancreas;

COPY

I hereby certify that this correspondence is being electronically filed in the United States Patent and Trademark Office on August 25, 2009.

David Saliwanchik

David R. Saliwanchik, Patent Attorney

REQUEST FOR CERTIFICATE OF
CORRECTION UNDER 37 CFR 1.322
Docket No. SPO.121

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/535,585
Conf. No. : 7558
Applicants : Hisac Kume, Makoto Yamaguchi, Kenji Mizumoto, Hajime Sasaki
Issued : July 21, 2009
Patent No. : 7,563,458
For : Nutritional Compositions for Nutritional Management of Patients with Liver Disease (as amended)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 37 CFR 1.322 (OFFICE MISTAKE)

Sir:

A Certificate of Correction for the above-identified patent has been prepared and is attached hereto.

In the left-hand column below is the column and line number where errors occurred in the patent. In the right-hand column is the page and line number in the application where the correct information appears.

COPY

2

Docket No. SPO.121
Patent No. 7,563,458

Patent Reads:

Column 3, Line 41:
"licheniformis"

Column 4, Line 4:
"licheniformis"

Column 18, Line 52:
"IFN-7"

Application Reads:

Page 5, Line 9:
--licheniformus--

Page 5, Line 36:
--licheniformus--

Page 30, Line 11:
--IFN-γ--

A true and correct copy of pages 5 and 30 of the specification as filed which supports Applicants assertion of errors on the part of the Patent Office accompanies this Certificate of Correction.

Approval of the Certificate of Correction is respectfully requested.

Respectfully submitted,



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DRS/lac

Attachments: Certificate of Correction

Copy of pages 5 and 30 of the specification

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,563,458

Page 1 of 1

APPLICATION NO.: 10/535,585

DATED : January 28, 2004

INVENTORS : Hisae Kume, Makoto Yamaguchi, Kenji Mizumoto, Hajime Sasaki

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

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